



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,606	12/20/2000	Yuko S. Nishikawa	155698-0006	1200

22242 7590 12/28/2004

FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

EXAMINER

SHANG, ANNAN Q

ART UNIT	PAPER NUMBER
----------	--------------

2614

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/745,606	Applicant(s) NISHIKAWA ET AL.	
	Examiner Annan Q Shang	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 November 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks or Amendment B, filed 11/01/04, with respect to the rejection(s) of claim(s) 1-20 under **Dunn et al (6,571,390)** have been fully considered and are persuasive. Therefore, the finality of that action has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of **LaJoie et al (6,772,433)**. This office action is made Final.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-14 and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by **LaJoie et al (6,772,433)**.

As to claim 1, note the **LaJoie et al** reference figures 9, 10 and 16, disclose an interactive program guide (IPG) for designation information on an interactive program guide display and further disclose method for selectively storing data associated with a broadcast channel capable of being received and displayed by an entertainment system, the method comprising:

the claimed "receiving programming data associated with the channel" is met by Tuners 41/42 (fig. 3, col. 9, lines 33-43 and col. 12, line 59-col. 13, line 10), which receives IPG "programming" data which includes descriptions, etc., associated with the channel from Headend 2 via hybrid fiber coax plant (HFC) 5;

the claimed "displaying a show associated with the channel," and "displaying a menu associated with storing of the channel in memory" is met by Television Display 186 or 340 (figs. 9, 16, col. 19, lines 41-63 and col. 23, lines 15-35), which displays the CBS Sports Special or the current television channel "a show" associated with the channel and also displays Channels list 350 or KCBS 2 in window 350 and 344 (col. 23, line 58-col. 24, line 12) and stores the channel in Memory 32;

the claimed "selecting to load the programming data of the channel associated with the show currently being displayed into memory..." and "loading the programming data associated with the channel currently being displayed..." is met by Central Processing Unit (CPU) 30 and I/O Subsystem 52 (col. 12, line 61-col. 13, line 28); note that I/O Subsystem 52 controls the input and output functions of the user and the STB 6 and enables the user to highlight a Channel and change its status (fig. 9); for example the user can highlight, ADD KCBS to favorites "selecting to load the programming data" (col. 19, lines 51-66 and col. 23, lines 15-48) to add or save "loading..." in Memory 32 a menu or IPG of KCBS of the channel currently being displayed; note that KCBS is the current channel displayed in window 340 or Display 186.

As to claim 2, LaJoie further discloses specifying that the KCBS channel to be added to the favorite list of channels (col. 19, line 53-col. 20, line 14).

As to claim 3, LaJoie further discloses removing a current channel from the list of stored channels (col. 23, lines 15-37).

As to claim 4, LaJoie further discloses selecting for display, a list of stored channels and displaying the list of stored channels (fig. 15 and col. 23, lines 15-38).

As to claim 5, LaJoie further discloses navigating through the list of stored channels (col. 24, lines 48-65).

As to claim 6, LaJoie further discloses receiving IPG data comprises a digital bit stream including the IPG data and arrow indicators 194, 196, 206, 208, 352-364 "sensory data" corresponding to the IPG data (col. 20, lines 8-18 and col. 23, line 58-col. 24, line 12).

As to claim 7, LaJoie further discloses where adding the IPG data to the favorite list comprises, executing software by CPU 3, implemented within the STT 6 "entertainment system" to produce a screen menu (fig. 9, Channel Settings and col. 19, lines 51-66), and selecting an YES or NO "an option icon" of Channel Setting screen to prompt selection of the channel to add, save or remove to/from storage in Memory 32 (col. 20, lines 8-21).

As to claim 8, LaJoie further discloses adding or saving the IPG data into Memory 32 includes adding the channel number information and source (fig. 15, col. 23, lines 15-48)

As to claim 9, LaJoie further discloses selecting for display, a list of the favorite channels, selecting an option to cause STT 6 to tune to a channel in the favorite list of

Art Unit: 2614

the stored favorite channels to display a television program corresponding to the channel (col. 17, lines 18-30 and col. 18, lines 55-67).

As to claim 10, LaJoie further discloses selecting the Press SELECT to return to TV "an option to exit menu" to return to the current television programming.

As to claim 11, note the **LaJoie et al** reference figures 9, 10 and 16, disclose an interactive program guide (IPG) for designation information on an interactive program guide display and further an entertainment system comprising:

- the claimed "a display monitor," is met by Television Display 100 or LED 54 of Set Top Box (STB) 6 (fig. 6 and col. 14, line 47-col. 15, line 11);

- the claimed "a broadcast receiver..." is met by Set Terminal Box (STT) 6 (col. 9, lines 33-43 and col. 12, line 59-col. 13, line 10), which a broadcast or television receiver, coupled to Television Display 100 or LED 54 and includes Tuners 41/42 "a front-end unit" capable of receiving IPG and descriptions, control information, etc., "programming" data associated with KCBC Sports "a show broadcast for viewing..." on the television display 100, Memory 32 (col. 13, lines 25-54), Central Processing Unit (CPU) 30 (col. 12, line 61-col. 13, line 28) coupled to Memory 32 to receive IPG and descriptions, control information, etc., data associated with KCBS 2 "a broadcast channel," where the CPU 30 executes software to add or save "load programming data" associated with current displayed channel or CBS 2 being displayed into the Memory 32; note that I/O Subsystem 52 controls the input and output functions of the user and the STB 6 and enables the user to highlight a Channel and change its status (fig. 9); for example the user can highlight, ADD KCBS to favorites "selecting to load the

programming data" (col. 19, lines 51-66 and col. 23, lines 15-48) to add or save "loading..." in Memory 32 a menu or IPG of KCBS of the channel currently being displayed; note that KCBS is the current channel displayed in window 340 or Display 186.

Claim 12 is met as previously discussed with respect to claim 7.

Claim 13 is met as previously discussed with respect to claim 3.

As to claim 14, the claimed "television receiver" is met by STT 6 (fig. 3).

Claim 16 is met as previously discussed with respect to claim 7.

As to claim 17, LaJoie further discloses where the Channel Settings further comprises Block channels icon "second icon" selectable to display PPV channels stored in Memory 32, which further comprises graphical portion and also scrollable and displaying a television program corresponding to the channel on the list during scrolling and further includes text portion, including a description of the television program corresponding to the channel (see PPV channels in figs. 10, 13, 27, 28, 31, col. 20, lines 22-33, col. 22, lines 29-60, col. 30, lines 34-52 and col. 31, line 15+).

Claim 20 is met as previously discussed with respect to claim 10.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over

LaJoie et al (6,772,433) as applied to claims 11 above, and in view of **Usui et al (5,808,694)**.

As to claim 15, Dunn teaches a STB 26 "a television receiver," but fails to explicitly teach the STB 26 with an integrated receiver decoder (IRD).

However, note the **Usui et al** reference figures 1 disclose a television receiver 5, with an IRD 4 (figs. 22, 23, col. 3, lines 28-33 and col. 17, lines 8-21).

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teaching of Usui into the system of Dunn to provide and IRD to the television receiver to receive broadcast signal via satellite or wireless communication medium and offer the viewer, additional channels.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gordon et al (6,754,905) disclose data structure and methods for providing an interactive program guide.

Jerding (6,463,586) disclose service navigation systems and methods.

Blonstein et al (5,978,043) disclose TV graphical user interface that provides customized lists of programming.

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within

Art Unit: 2614

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Annan Q Shang** whose telephone number is **703-305-2156**. The examiner can normally be reached on 700am-500pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **John W Miller** can be reached on **703-305-4795**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the **Electronic Business Center (EBC)** at **866-217-9197 (toll-free)**.



Annan Q. Shang



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600